



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

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Order Filed on June 25, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In Re:

Gary W. Marker and  
Jan W. Roman-Marker,  
Debtors.

Case No. 15-15303

Chapter 13

Honorable John K. Sherwood

Hearing Date: May 28, 2020  
10:00 a.m.

ORDER HOLDING  
THE STATE OF NEW JERSEY DEPARTMENT OF LABOR  
IN WILLFUL VIOLATION OF THE AUTOMATIC STAY

The relief set forth on the following page, numbered three (3) is hereby **ORDERED**.

DATED: June 25, 2020

  
Honorable John K. Sherwood  
United States Bankruptcy Court

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**Debtors:** **Gary W. Marker and Jan W. Roman-Marker**  
**Case No.:** **15-15303 (JKS)**  
**Caption of Order:** **ORDER HOLDING THE STATE OF NEW JERSEY  
DEPARTMENT OF LABOR IN WILLFUL VIOLATION OF  
THE AUTOMATIC STAY**

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This matter being opened to the Court upon the application by AST & SCHMIDT, P.C., attorneys for debtors, Gary W. Marker and Jan W. Roman-Marker ("Debtors"), for entry of an order holding the State of New Jersey Department of Labor (hereafter "LWD") in willful violation of the automatic stay; and notice having been given to LWD, the New Jersey Attorney General and the standing Chapter 13 Trustee ("Trustee"); and for cause shown;

It is hereby:

ORDERED, that the State of New Jersey, Department of Labor (hereafter "LWD") is held in willful violation of the automatic stay by applying the current unemployment benefits of debtor, Jan W. Roman-Marker, accruing in March 2020 and thereafter as against a pre-petition claim; and it is further

ORDERED, that LWD shall pay to debtor, Jan W. Roman-Marker, all unemployment benefits that she is entitled to as a result of her application for benefits on March 22, 2020 and accruing thereafter to the date of the within Order within ten (10) days from the date of this Order; and it is further

ORDERED, that LWD shall make timely payments of unemployment benefits accruing to debtor, Jan W. Roman-Marker, after the date of this Order without any further attempts to setoff those benefits as against any pre-petition claim; and it is further

ORDERED, that LWD shall make such entries into its financial records and software programs to properly reflect that any pre-petition debt of Jan W. Roman-Marker is included within the subject bankruptcy proceeding and LWD shall not setoff any current benefits based upon such pre-petition claim; and it is further

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ORDERED, that in the event that LWD does not make payment of the benefits accruing between March 2020 and the date of the service of this Order on LWD and the NJ Attorney General, within twenty (20) days of said service, LWD shall pay to debtors a late charge of \$100 per week and debtors' counsel may apply for the full amount of its attorneys' fees and costs; and it is further

ORDERED, that LWD shall pay to debtors' counsel reasonable attorneys' fees and costs of \$500 within twenty (20) days from the service of this Order on LWD and the NJ Attorney General; and it further

ORDERED, that a copy of this Order shall be served upon LWD, the New Jersey Attorney General and the Chapter 13 Trustee within three (3) days from entry thereof.

Certificate of Notice Page 4 of 4  
United States Bankruptcy Court  
District of New JerseyIn re:  
Gary W. Marker  
Jan W. Roman Marker  
DebtorsCase No. 15-15303-JKS  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jun 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2020.

db/jdb +Gary W. Marker, Jan W. Roman Marker, 17 Tourne Road, Boonton, NJ 07005-8823

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

## \*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 27, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 25, 2020 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
nj.bkecf@fedphe.com

David A. Ast on behalf of Joint Debtor Jan W. Roman Marker david@astschmidtlaw.com, info@astschmidtlaw.com;robert@astschmidtlaw.com;astecf@gmail.com

David A. Ast on behalf of Debtor Gary W. Marker david@astschmidtlaw.com, info@astschmidtlaw.com;robert@astschmidtlaw.com;astecf@gmail.com

Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

Justin Plean on behalf of Creditor Financial Freedom jplean@rasflaw.com, bkyecf@rasflaw.com;ras@ecf.courtdrive.com

Marie-Ann Greenberg magecf@magtrustee.com

Patrick O. Lacsina on behalf of Creditor Financial Freedom, PATRICK.LACSINA@GMAIL.COM

R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
bankruptcy@feinsuch.com

Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmllawgroup.com

TOTAL: 9